

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of: ) Atty. Docket No.: CUMM:183  
William J. Jones )  
Douglas U. Mennie ) Examiner: Phuoc Tran  
Application No: 08/833,095 ) Group Art Unit: 2721  
Filed: April 4, 1997 )  
For: Method And Apparatus For Discriminating )  
And Counting Documents )

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The owner, Cummins-Allison Corp., of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,295,196. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically, the Assignment of the instant application to Cummins-Allison Corp., which was submitted to the U.S. Patent and Trademark Office on April 7, 1998, for recordal, a copy of which is attached hereto, and certifies that, to the best of his knowledge and belief, title of the instant application is in the name of Assignee, Cummins-Allison Corp.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I, Douglas U. Mennie, an officer and Executive Vice President of Cummins-Allison Corp., hereby affirm that I am a representative authorized to sign on behalf of the Assignee identified as owning all of the interest in this application.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

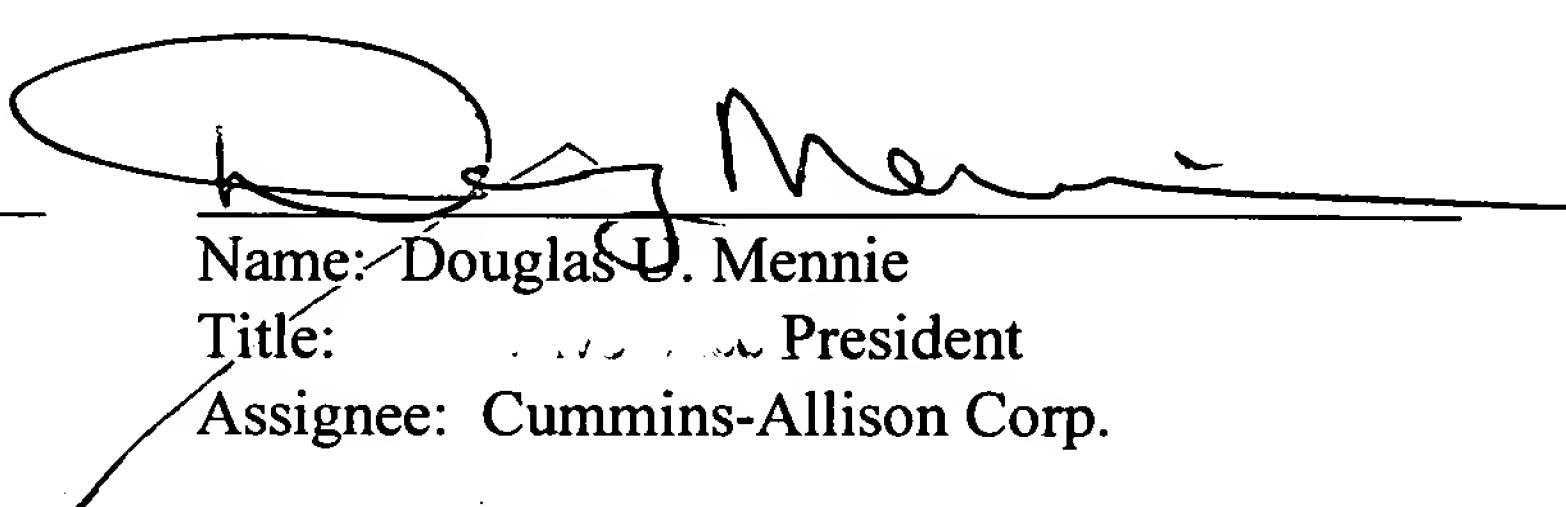
Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Enclosed is a check in the amount of \$110.00 for the fee set forth in 37 C.F.R. § 1.20(d) for filing this Terminal Disclaimer. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. AWD 01-2508 (CUMM:183). A duplicate copy of this Terminal Disclaimer is enclosed for that purpose.

Respectfully submitted,

Date:

5/29/98

  
Name: Douglas D. Mennie  
Title: President  
Assignee: Cummins-Allison Corp.